IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET
SECOND APPEAL NO.416 OF 2004

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.Amit Borkar for the Appellant

CORAM: A.S.OKA, J.
DATED: AUGUST 11, 2006.

P.C.:

1. Heard Shri Borkar for the Appellant. The Appellant is the original Plaintiff. The Appellant filed a suit against the Kolhapur Municipal Corporation simplicitor for injunction restraining the Respondent from dispossessing the Appellant of his possession over the land admeasuring 85' X 30' which is described as suit property.

2. Shri Borkar for the Appellant submitted that the Respondent was under obligation to follow the due process of law as contemplated by the provisions of the Bombay Provincial Municipal Corporations Act, 1949. As due process of law was not followed, the Appellant was entitled to decree for a limited perpetual

injunction.

3. I have considered the submissions. Perusal of the Judgment of the Appellate Court shows that except for long standing possession, no other legal right in respect of the suit property was claimed by the Appellant. The courts below have referred to the request made by the Appellant to the Respodnent-Corporation for grant of time of eight days to vacate the suit property.

4. As the Appellant himself had asked for time of eight days to vacate the suit premises, the Appellant could not be retained the possession of the suit premises. The Appellant has not claimed any title. Both the courts below have declined to grant equitable and discretionary relief of perpetual injunction in favour of the Appellant. There is no error in the decrees of the courts below. Second Appeal is dismissed with no order as to costs.

Judge.